

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed July 28, 2005 (Paper No. 20050611). Upon entry of this response, claims 8-9 and 12-27 are pending in the application. In this response, claims 8-9 and 12-23 have been amended, claims 24-27 have been added, and claims 7 and 10-11 have been cancelled. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

#### **1. Claim Objection**

Claims 18-23 are objected to under C.F.R. 1.75. Claims 18-23, which depend from a system claim, have been amended to recite “the system of.” Applicants respectfully submit that the objection to claims 18-23 has been overcome, and requests that the objection be withdrawn.

#### **2. Rejection of Claims 13-17 and 19-23 under 35 U.S.C. § 112, Second Paragraph**

Claims 13-17 and 19-23 have been rejected under 35 U.S.C. §112, second paragraph, as alleged being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Specifically, the Office Action states that claims 13-17 and 19-23 have insufficient antecedent basis for “the set of resources.” (Office Action, p. 2.) Claims 13-17 and 19-23 have been amended to depend from claim 12 and claim 18, respectively. Applicants believe the amendment overcomes the rejection of claims 13-17 and 19-23, and request that the rejection be withdrawn.

#### **3. Rejection of Claims 7 and 10 under 35 U.S.C. §102**

Claims 7 and 10 have been rejected under §102(b) as allegedly anticipated by *Horman* (U.S. 6,785,706). Claims 7 and 10 are cancelled without prejudice, waiver, or disclaimer, and the

rejection of these claims is therefore rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public. Applicants expressly reserve the right to present cancelled claims 7 and 10, or variants thereof, in continuing applications to be filed subsequent to the present application.

4. Rejection of Claims 8-9, 11-23 under 35 U.S.C. §103

Claims 8-9, 11-23 have been rejected under §103(a) as allegedly obvious over *Horman* (6,785,706) in view of *Dan et al.* (6,560,639). Applicants respectfully traverse these rejections. It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly, all elements/features/steps of the claim at issue. *See, e.g., In re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claims 12 and 18

Applicants respectfully submit that claims 12 and 18 are allowable for at least the reason that the proposed combination of *Horman* in view of *Dan et al.* does not disclose, teach, or suggest at least the feature of “wherein each application program configuration parameter defines at least in part a set of resources on the server available to a particular customer of a web hosting provider” as recited in claims 12 and 18.

i. The *Horman* Reference

*Horman* describes a method for synchronizing the configuration of each server in a group of administered servers to match the configuration of a control server. Synchronization in *Horman* is achieved by running parameterized scripts on each administered server. The Office Action has not clearly explained what element in *Horman* is alleged to correspond to the claimed “application configuration parameters.” Applicants will assume, *arguendo*, that the script parameters correspond to “application configuration parameters that define at least in part a set of resources on the server.” Even so, *Horman* contains no discussion at all of how the script parameters relate to server resources “available to a particular customer of a web hosting provider.” Thus, *Horman* does not disclose, teach, or suggest the above-described feature recited in claims 12 and 18.

ii. The *Dan et al.* Reference

The Office Action alleges that FIG. 2 and Col. 14, lines 38-43 of *Dan et al.* disclose the feature “wherein each application program configuration parameter defines at least in part a set of resources on the server available to a particular customer of a web hosting provider.” (Office Action, pages 4-5.) Applicants respectfully disagree.

First, FIG. 2 is a system level diagram showing various components of the web management system 30. Neither FIG. 2 nor the corresponding text disclose “an application program configuration parameter.”

Next, the passage at Col. 14, lines 38-43 of *Dan et al.* discusses an Asset Manager component 60 of the web management system 30, where assets are “practically any type of binary file that, for example, contains its own description, such as graphical files, text files, video images, and audio files.” (Col. 13, lines 40-45.) The Asset Manager 60 “allow[s] the user to find, upload, and/or organize these files any way the user wants.” (Col. 13, lines 40-45.) The cited

passage then describes how a user updates an asset with a new image. Applicants will assume, *arguendo*, that these assets correspond to the claimed “set of resources on the server.” Even so, the assets in *Dan et al.* have nothing to do with application configuration parameters.

Applicants also note that the only sentence in the cited passage that contains any words at all recited in the above-described feature is the following: “Advantageously, an asset, which in the above example is **available** to everyone on the user’s web management team at all times.” *Dan et al.* teaches “available to everyone” while claims 12 and 18 recite “available to a particular customer of a web hosting provider.”

ii. The Combination of *Horman* and *Dan et al.*

Applicants respectfully assert that the assets in *Dan et al.* cannot be meaningfully combined with the script parameters in *Horman*. Thus, the combination of *Dan et al.* and *Horman* does not disclose, teach, or suggest disclose the feature “wherein each application program configuration parameter defines at least in part a set of resources on the server available to a particular customer of a web hosting provider.” Since the proposed combination does not teach at least the above-described features recited in claims 12 and 18, a *prima facie* case establishing an obviousness rejection has not been made. Thus, claims 12 and 18 are not obvious under the proposed combination of *Horman* in view of *Dan et al.*, and the rejection should be withdrawn.

b. Claims 8-9, 11, 13-17, 19-23

Since claims 12 and 18 are allowable, Applicants respectfully submit that claims 8-9, 11, 13-17, 19-23 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 8-9, 11, 13-17, 19-23 be withdrawn.

5. Newly Added Claims


Applicants submit new claims 25 and 27 are allowable over the cited references, for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants request the Examiner to enter and allow the new claims.

**CONCLUSION**

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 8-9 and 12-27 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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